

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kenneth C. Johnson

Application No.: 10/764,792

Filed: January 26, 2004

For: CD METROLOGY METHOD

Confirmation No.: 9766

Group Art Unit: 2857

Examiner: Hal D. Wachsman

**INFORMATION DISCLOSURE
STATEMENT**

353 Sacramento Street, Suite 2200
San Francisco, CA 94111
Telephone: (415) 772-4900
Facsimile: (415) 398-2890

M/S RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2006.

STALLMAN & POLLOCK LLP

Dated: 03/9/2006By: 

Tanisha Lawrence-Caceres

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which he is aware, which he believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$180) set forth in 37 CFR § 1.17(p) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they: (a) are either U.S. Patents or published U.S. patent applications; (b) are a U.S. patent application, the image of which is stored in the USPTO's file wrapper (IFW) system; or (c) were previously cited by or submitted to the Office in a prior application no. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☒ not given
- (i) ☐ given for each listed item
- (j) ☐ given for only non-English language listed item(s) [Required]
- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

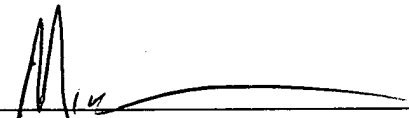
- ☒ The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. TWI-33010, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the

above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

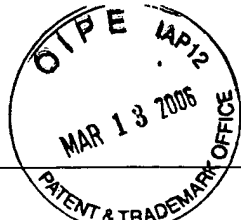
STALLMAN & POLLOCK LLP

Dated: March 8, 2006

By: 

Michael A. Stallman
Reg. No. 29,444

Attorneys for Applicant(s)



INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Docket Number (Optional)
TWI-33010

Application Number
10/764,792

Applicant(s)
Kenneth C. Johnson

Filing Date
January 26, 2004

Group Art Unit
2857

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*AA	5,607,800	03/04/1997	Ziger	430	8	02/15/1995
	*AB	5,739,909	04/14/1998	Blayo et al.	356	369	10/10/1995
	*AC	5,798,837	08/25/1998	Aspnes et al.	356	369	07/11/1997
	*AD	5,889,593	03/30/1999	Bareket	356	445	02/26/1997
	*AE	5,910,842	06/08/1999	Piwonka-Corle et al.	356	369	11/27/1996
	*AF	6,429,943	08/06/2002	Opsal et al.	356	625	03/27/2001
	*AG	6,694,275	02/17/2004	Jakadar et al.	702	84	11/28/2000
	*AH	6,947,135	09/20/2005	Johnson	356	327.2	07/01/2003

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.